

Meeting of 2008-1-22 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JANUARY 22, 2008 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr.                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk  
COL Robert Bridgford, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Councilmember Bill Shoemate, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
James Hanna, Ward Two  
Janice Drewry, Ward Three  
   Keith Jackson, Ward Four  
Robert Shanklin, Ward Five  
Jeff Patton, Ward Six  
   Stanley Haywood, Ward Seven  
   Randy Warren, Ward Eight

ABSENT:                      None

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF NOVEMBER 27, 2007.

MOVED by Hanna, SECOND by Warren, to approve the minutes of November 27, 2007. AYE: Hanna, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. ABSTAIN: Shoemate. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Purcell stated they need to strike items #5 and #10. He requested item #6 be considered separately.

MOVED by Warren, SECOND by Hanna, to approve the Consent Agenda with the exception of items #5, #6 and #10. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Timothy Demonbreun in the amount of \$3,042.40 and Brian N. and Bridget D. Trimble in the amount of \$180.00. Exhibits: Legal Opinions/Recommendations.

2. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and Leah S. Terrill-NesSmith and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk s Office.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of Gary Fountain in the Workers Compensation Court, Case No. 2007-01270H. Exhibits: **Resolution No. 2008-09.**

4. Consider a request from the Great Plains Improvement Foundation, Inc. to authorize the Mayor to sign a

Certification of Local Approval to be included in an application to the Oklahoma Department of Commerce for an Emergency Shelter Grant to assist in operating the Carter Crane Homeless Shelter. Exhibits: Letter of request from Great Plains Improvement Foundation, Inc.

5. Consider a modification to the Tourism, Economic and Industrial Development Agreement with the Lawton Fort Sill Chamber of Commerce & Industry to only require maintenance of separate bank account of Hotel/Motel funds when an advance of Hotel/Motel funds are provided to the Chamber. Exhibits: Letter from Dana Davis, Copy of Agreement. THIS ITEM WAS STRICKEN.

6. Consider accepting State Aid for Libraries grant of \$64,191 from the Oklahoma Department of Libraries for FY 2007-2008. Exhibits: State Aid agreement on file in the City Clerk s office.

Oklahoma State Representative Don Armes presented a check to David Snider, Director of the Lawton Public Library.

MOVED by Drewry, SECOND by Shoemate, to accept the State Aid for Libraries grant of \$64,191 from the Oklahoma Department of Libraries for FY 2007-2008 . AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

7. Consider approving contract with Theatreworks USA for school performances of Henry and Mudge on Tuesday, April 1, 2008. Exhibits: Contracts on file in City Clerk s office.

8. Consider approving contracts for School of the Arts , Spring 2008 semester for Steven Scott Smith (\$ 630), Lawrence Johns (\$ 540), Kenneth Hobbs (\$ 270), and Sandra Dunn (\$ 270) faculty members for the project. Total amount for spring semester stipends is \$ 1,710.00. Exhibits: Contracts on file in City Clerk s office.

9. Consider a retainer agreement for professional services to be provided by Brent Ash, an independent contractor, and the City of Lawton for the hunting, trapping and removal of feral hogs on City owned property in accordance with the Lawton City Code Section 19-4-411-C5. Exhibits: Retainer Agreement for Professional Services.

10. Consider accepting the West Cache Road 24 Waterline Phase II Project #2005-8 as constructed by Howard Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None. THIS ITEM WAS STRICKEN.

11. Consider approving Change Order No. 2 for the Water Infrastructure Improvement Phase 2 (Tower) Project #2006-9 with Landmark Structures I, L.P. Exhibits: None.

12. Consider authorizing the Mayor and City Clerk to enter into a Professional Services Agreement with CH2M Hill for the Structural Investigation and Report for the leak of the Medicine Park Water Treatment Plant Finished Water Storage Clearwell located at Medicine Park, Oklahoma. Exhibits: Professional Services Agreement.

13. Consider granting a Revocable Permit for the construction of a wooden fence with masonry supports along SW 52<sup>nd</sup> Street for The Highlands, Part 1. Exhibits: Application and Site Plan.

14. Consider granting a Revocable Permit to use a portion of the NW 62<sup>nd</sup> Street right-of-way south of Oak Avenue for parking and maneuvering. Exhibits: Application and Revocable Permit.

15. Consider approving the record plat for Eisenhower Village Addition, Part 11, and accepting the improvements, escrow agreement in lieu of completion of minor improvements, and maintenance bonds. Exhibits: Plat Map. Escrow Agreement and Maintenance Bonds on file in City Clerk s Office.

16. Consider approving the Replat of Block 6 and Lots 22-43, Block 4, Eastlake Addition, Part Two. Exhibits: Plat Map.

17. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 4,620 linear feet of eight (8) inch PVC waterline plus, 1,720 linear feet of 10 (ten) inch PVC waterline plus, 850 linear feet of 12 (twelve) inch PVC waterline and all appurtenances and a Tier I permit for the construction of 6,200 linear feet of eight (8) inch sewer line and all appurtenances to serve Oak Ridge Addition Part 1, located at 67<sup>th</sup> Street and Bishop Road, in the SW/4 of Section 4, T-1-N, R-12-W, I.M., Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk s office.

18. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 780 linear feet of eight (8) inch PVC water line and all appurtenances to serve Simpson Avenue, located at SE Simpson and D Avenue, in the NW/4 of Section 32, T-2-N, R-11-W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's office.

19. Consider awarding (CL08-026) Self-Contained Spreader-Hopper to Frontier Equipment Sales, LLC of Yukon, OK. Exhibits: Department recommendation, abstract of bids.

20. Consider extending the contract (CL06-035) Sludge Dewatering Polymer with Polydyne, Inc. of Riceboro, GA. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

21. Consider approving appointments to boards and commissions. Exhibits: None.

#### **Airport Authority**

Dr. Richard Campbell   Raymond J. Friedl  
146 NW 36<sup>th</sup> Street   1104 NW 75<sup>th</sup> Street  
Lawton, Oklahoma 73505   Lawton, Oklahoma 73507  
02/27/11   02/27/11

George L. Moses  
101 NW Ft. Sill Blvd.  
Lawton, Oklahoma 73507  
02/27/11

#### **Historical Preservation Commission**

Alvis Kennedy   Public Representative   King Wiggins   Public Representative  
510 NW 9<sup>th</sup> Street   1131 NW Maple  
Lawton, Oklahoma 73507   Lawton, Oklahoma 73507  
1/27/10   01/27/10

#### **Lakes & Land Commission**

Jim Thompson  
6716 NW Maple Drive  
Lawton, Oklahoma 73505  
01/25/11

#### **Parks & Recreation Commission**

DeWayne Burk   Eric Sharum  
1335 NW Ash   3003 NE Stratford Circle  
Lawton, Oklahoma 73507   Lawton, Oklahoma 73507  
01/24/10   01/10/10

Dana Bross   Jason Davis   Mayor's Appointment  
810 NW Seaton lace   236 SE Sungate Boulevard  
Lawton, Oklahoma 73505   Lawton, Oklahoma 73501  
01/01/10   01/01/10

#### **Waurika Master Conservancy District Board**

David R. Towe  
8221 NW Stonebridge Court  
Lawton, Oklahoma 73505  
02/06/2011

22. Consider approval of payroll for the period of December 31   January 13, 2008.

#### **BUSINESS ITEMS:**

23. Consider adopting an ordinance pertaining to Buildings, Construction and Housing amending Sections 6-1-1-101 through 6-1-1-106, Division 6-1-1, Article 6-1; Sections 6-2-1-201 through 6-2-1-203 and 6-2-1-214, Division 6-2-1, Article 6-2; Sections 6-4-1-401 through 6-4-1-403 and 6-4-1-406 through 6-4-1-408, Division 6-4-1, Article 6-4; Sections 6-5-1-501 through 6-5-1-505, Division 6-5-1, Article 6-5; and Sections 6-5-2-221 through 6-5-2-223, Division 6-5-2, Article 6-5; all in Chapter 6, Lawton City Code, 2005; and pertaining to Fire Department and Services amending Sections 11-2-201, 11-2-204, 11-2-208 and 11-2-209, Article 11-2, Chapter 11, Lawton City Code, 2005; by adopting the 2006 editions of the International Building Code, the International Residential Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Existing Building Code and the International Fire

Code, and adopting amendments thereto, providing for severability and declaring an emergency. Exhibits: Ordinance No. 08-\_\_\_\_\_.

Greg Buckley, Assistant City Manager, stated the adoption of the codes reflect the new international codes and the amendments that are applicable to the City of Lawton.

Hanna stated the international codes should be the same in Lawton, Oklahoma City, Tulsa, Broken Arrow and anyplace in the state.

Buckley stated they should be the same if they have adopted the international building codes.

Hanna stated when Jay Burk was building the Santa House in the park one of our inspectors gave his opinion on how the structure should be supported. He stated if it meets the code, why should staff interject their personal feelings. It should either pass or fail. He stated he has heard from the contractors of Olive Garden and Buffalo Wild Wings.

Buckley stated if a structure fails code, they should be told what they need to do to bring it up to code.

Hanna stated this should not happen. They should be fair to everyone.

Shanklin questioned if there was a change in the section regarding dilapidated buildings. He questioned if all utilities had to be provided and be accepted by our people.

Vincent stated if that section of the code has not been highlighted or underlined, it has not been changed.

Shanklin questioned if they had to bring everything up to code. He stated in section 110.1 where it says that repairs would exceed 50%, this was at one time taken out. They never could agree up to the 50%. He stated that would depend on who was doing the remodeling. He is assuming commercial buildings are the same when it talks about an unsecured building.

Buckley stated yes.

Shanklin stated under section 110.3 under failure to comply, we have a bunch of these buildings that we have bypassed and not brought to the council's attention. He questioned how we go back and pick these up and then give them this time frame that they have to comply. He questioned what the building development appeal board did.

Vincent stated it is a board created by this code and is composed of five members of the building trades who review appeals. He stated as far as section 110.1, there is no change. He stated regarding the 50%, after they get their permit and are in the process of remodeling, we took out the 50% and said substantially completed. That way there was some discretion in there instead of trying to figure out what is 50% and what isn't. He stated this was in section 61-1-108.h.

Shanklin questioned how long they could board something up. He questioned if they have been making anyone paint to harmonize with the existing color of the structure.

Mayor Purcell stated the structure could be boarded up for 36 months.

Shanklin questioned if this is basically what staff has been going by.

Vincent stated yes, section 108.1.5 has not changed. That is the current code. The bottom line is that we could be a lot tougher than we already are.

Shanklin stated in some instances we probably should be a lot tougher.

Shoemate questioned if that would speed up the process of some of these people not bringing their buildings and homes up to code.

Vincent stated once the process starts and it goes to court, there is nothing more we can do but let it go through the system. He stated the question is if the council wants to see 20-30 dilapidated buildings on every council agenda and where do we get the staff to go through with the next step after these are processed.

Shanklin questioned how long we can have a dilapidated building boarded up before we say that is the end of it.

Vincent stated if that is the sole criteria for declaring it dilapidated, it has to be boarded up for 36 months. Generally, if you board it up, there are other problems.

He stated that he, Mr. Hanna and Mr. Haywood have the three wards where there is the majority of this problem. He questioned when they have to bring it to code, does that include inside plumbing and wiring.

Vincent stated they have to bring a residential structure into habitable condition according to code.

Shanklin stated that habitable is one thing, but being safe with your 70 year old electrical might be a little different. He questioned how they know by just looking at the building.

Vincent stated they go in and inspect it. We provide the person that pulls that permit a list of the things that they have to bring up to code.

Shanklin questioned how they know if the wiring is up to code.

Buckley stated he would have an inspector go and review the building with regards to the electrical, mechanical and structural.

Vincent stated that they have always told the people that come before the City Council that they have to bring the entire structure up to code.

MOVED by Drewry. SECOND by Shoemate, to adopt **Ordinance 08-07**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-07

An ordinance pertaining to buildings, construction and housing amending Sections 6-1-1-101 through 6-1-1-106, Division 6-1-1, Article 6-1; Sections 6-2-1-203 through 6-2-1-203 and 6-2-1-214, Division 6-2-1, Article 6-2; Sections 6-4-1-401 through 6-4-1-403 and 6-4-1-406 through 6-4-1-408, Division 6-4-1, Article 6-4; Sections 6-5-1-501 through 6-5-1-505, Division 6-5-1, Article 6-5; and Sections 6-5-2-221 through 6-5-2-223, Division 6-5-2, Article 6-5; all in Chapter 6, Lawton City Code, 2005; and pertaining to fire department and services amending Sections 11-2-201, 11-2-204, 11-2-208 and 11-2-209, Article 11-2, Chapter 11, Lawton City Code, 2005; by adopting the 2006 editions of the international building code, the international residential code, the international plumbing code, the international mechanical code, the international fuel gas code, the international property maintenance code, the international existing building code and the international fire code, and adopting amendments thereto, providing for severability and declaring an emergency.

24. Consider an ordinance amending Section 22-2-1-215, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, by amending the City's Leak Adjustment Policy by providing a more defined procedure for consumers who have a hidden underground water leak of which the consumer was unaware, providing for severability and declaring an emergency. Exhibits: Ordinance 2008-\_\_\_\_.

Shanklin stated this is what they are proposing and they would like the council to accept these changes.

Jackson stated he feels it is appropriate that they bring in line commercial businesses that should be entitled to the same opportunities as residential customer. He can live with the seven items listed in the commentary.

Shanklin questioned why a sprinkler system would be disqualified.

Vincent stated if you do not properly winterize the sprinkler system and it freezes and breaks during the winter, you will not know about it until spring when you turn the water back on. Then it will be an underground leak and it will leak until you find it. That is the reason he included this item.

Mayor Purcell stated he agreed this was a good ordinance, but he wants to make sure that they do this right so they don't have people coming up here. He stated the sprinkler system is underground and it does have undetected leaks. They have had a few people come up that have actually had a broken pipe under their house that they did not know about. That is another undetected leak underground. The way this ordinance reads, if they have an undetected leak under their house it would not be covered and we would not allow that. The ordinance just says between the water meter and the service line to the house. It seems to him that this needs to cover any broken pipe underground whether it is sprinkler pipes or anything else. Most of the things that have come to council over the last year or so have not been underground undetected leaks. They have been leaks of unknown origin that everyone swears are underground undetected leaks, but when they fix their toilet or faucet, all of the sudden they don't have this huge water bill. He stated they are fixing something for underground undetected leaks, and they need to make sure that is what they want to do, and it excludes faucets and toilets, but it seems to him that it should include all underground, whether it is a pipe under the house or the sprinkler system.

Shoemate stated that if someone with unoccupied rental property could have the line into the house break and they could be facing some major costs. He feels that it should be the line whether underground or not. If the line breaks and is undetected, if you don't go check your property, you could have some problems.

Shanklin questioned if the city's computer system kicks out any out of the ordinary use.

Rick Endicott, Finance Director, stated no. Staff cannot sit here on a daily basis to see if there is a leak. He stated in order to deal with the commercial issue, they have a definitive amount of leaks that they can deal with. It is up to the council to say any and/or all leaks, because they will get inundated with those inside the house leaks. There could be a multitude of internal structures that are leaking that may or may not be detectable. It depends on how broad you want to make it. He stated they need to be definitive on the City's responsibility for any unknown leak that is going on. He stated the purpose was to deal with the commercial and residential side. There are landlords that won't take care of their internal structures because they know they can come down here and get an adjustment for the total leak. That is what they will get if they choose to make this as broad as possible.

Shanklin stated they have discussed this. He stated they know the history on an account and if it doesn't exceed a certain number, then we don't even look at the leak.

Endicott stated staff had discussed this issue when making these recommendations. Trying to come up with that number is very difficult.

Shanklin stated he could see a number on a single dwelling, that if it didn't exceed \$60, he would say that you fix it. Into the thousands of dollars is a burden to residents. He does not feel they should have to do that.

Endicott stated this recommendation is just a starting place. They can expand this.

Shanklin stated it says that to qualify it is between the meter and the primary structure. He stated that anything beyond the footing is the property owners' responsibility.

Vincent stated that if it goes from a primary structure to a secondary structure it is also the owner's responsibility.

Mayor Purcell stated that does not solve the problem of when someone has a leak under their house that was undetected, it would not qualify the way this thing is written.

Vincent stated staff debated this. There are houses with slabs which makes it difficult. A lot of the houses in Lawton have a crawl space which makes it much easier to detect. He questioned where you go.

Endicott stated the other part of this is that they have to let us know within their current billing date. The previous section said that you had up until the bill became delinquent. If you get your bill and it is exorbitant, you should tell us immediately and not wait another 30 or 40 days. They also added you must have a licensed plumber look at the leak and give us a statement.

Shanklin stated he sees the list of adjustments that go through the City Manager every month. He questioned how many more do they see.

Endicott stated they probably do five a week that are less than \$50.

Shanklin questioned how many they ignore if they are inundated.

Endicott stated he really cannot answer that question. They have never quantified them based on the dollar. It may be a handful.

Warren stated he does not have an issue with extending this to say any water line under the ground. When they start talking about line above the ground a lot of that is maintenance. He stated they are all citizens and he does not feel that they should pay for another citizen's water leak. Is this the responsibility of the property owner?

Shanklin stated it is kind of like insurance the way he sees it. Just like the way they pay on these back ups and we are the insurance company.

Warren stated he does not have a problem supporting underground undetected leaks for commercial or residential, but he will not be able to support anything above ground.

Shoemate stated he is concerned on those leaks under slab floors. That could be very costly to the City.

Warren stated they are just talking about adjusting the water bill.

Shanklin stated they just need to make something happen tonight and then they can tweak it if necessary.

Mayor Purcell stated they may be able to fix it here on the floor. The City Attorney has made some changes based on all the conversation.

Vincent stated on page two of the ordinance under #6 they could change it to say: Only underground leaks on the service line between the meter and the structure or under the main floor of the building will qualify for a leak adjustment. Bills for increased consumption due to leaking or running toilets or leaking or broken hot water tanks or other fixtures do not qualify for adjustment. Based on the comments, these are the only two changes.

Shanklin questioned if they allow the adjustment if they do not have a bill from a plumber.

Endicott stated if they provided us with a certified statement it would fit the criteria needed to look at an adjustment.

Shanklin questioned if we made adjustments for \$30 or less.

Endicott stated they have. He stated that is the resident that uses 2,000 or 3,000 gallons a month that may use a little bit more and there was some type of qualifiable leak.

Shanklin stated that \$30 a month is almost 15,000 gallons of water that went through unexplained.

Endicott stated he is afraid that if we put a minimum or maximum on this they will have an issue where they don't fit the criteria and the other thing they need to think about is all of their outside accounts. They are not going to adjust the sub-meters, they are only looking at the master meter. That was another reason for that issue on the service line. They want to be careful that if someone has a leak between their sub-meter and their house, the City is not accountable for that.

Vincent stated they have covered that. Basically if you are an outside water sales contract person, if the leak is passed the meter you do not qualify. He stated Councilmember Shanklin is questioning if they always require a plumber to fix it.

Shanklin stated if they don't have a plumber fix it, then they don't have that bad a leak.

Endicott stated the plumber issue is really important in this particular ordinance because now we are in to commercial, residential and apartment complexes.

MOVED by Jackson, SECOND by Shanklin, to adopt **Ordinance 08-08** as amended, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-08

An ordinance pertaining to utilities amending Section 22-2-1-215, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, by amending the city's leak adjustment policy by providing a more defined procedure for consumers who have a hidden underground water leak of which the consumer was unaware, providing for severability, and declaring an emergency.

Vincent stated at the council's request, they did make this retroactive back to July 1, 2007. This is as far back as they could legally go.

25. Consider an ordinance amending Section 19-5-504, Article 19-5, Chapter 19, Lawton City Code, 2005, by establishing late payment fees for boathouse payments not paid in a timely manner, providing for severability and declaring an emergency. Exhibits: Ordinance 2008-\_\_\_\_.

Kim Shahan, Parks and Recreation Director, stated this ordinance addresses something that is a reoccurring problem every year with boathouse operators in terms of giving them some stipulations on making their payments on an annual basis. The ordinance would establish a late payment fee of \$25 which shall be added to the rent if the rent is not paid by January 31<sup>st</sup> of each year. If the rent has not been paid by the last day of February each year, an additional \$25 plus 5% of the annual space rent shall be assessed during the month of March. If the rental payment plus late payment penalties have not been received by the last City business day in March of each year the space shall be forfeited by the space holder. He stated out of courtesy to the boathouse operators, staff sent a letter in early January letting them know that this was going to be put on the council agenda. As of now, there are about 28 operators who have not paid.

Drewry questioned when the fees are actually due.

Shahan stated January 1<sup>st</sup> of each year.

Shanklin stated there are a couple of 15-foot lots on Lake Lawtonka that we really sock it to them in comparison to the 40-foot lots. He questioned if this was fair.

Shahan stated boat house fees were established on the fact that a boat slip is paying \$600, so based on that structure, someone who owns their own boathouse should also pay that no matter if it is 15-foot or 40-foot, because a boat slip only provides for 12-feet.

Drewry questioned why staff did not inspect boathouses just like we do houses. There are boathouses out there that should be condemned and pulled out of the water. People do not take care of them and they break loose and create problems for those beside them.

Shahan stated each 112 structures have to be inspected by the Neighborhood Services Division. They are inspected, but not all of them on an annual basis.

Warren questioned why they wouldn't just be turned in just like a regular house.

Vincent stated even though that is leased property, all of the city codes apply to city owned property whether it is leased or not. If a person has a dilapidated boathouse or dilapidated trailer, they are subject to our city code. If they want to remodel or build a new boathouse they have to get a permit. The public needs to be aware of this.

Shahan stated they are inspected through the Neighborhood Services Division and they can ask that they be inspected.

Shahan questioned if a 15-foot lot is as valuable as that 40-footer.

Vincent stated yes. If he has to rent a slip for \$600 for his boat, why shouldn't the guy that has a boathouse who can tie two boats up to it.

Drewry questioned if the City was charging this \$600 for the boat slips.

Vincent stated no, that is what School House Slough is charging.

Warren stated that if there is an inequity, it is that the bigger one should be more.

Shahan stated they went through a process that was based on front footage, and they needed a minimum amount to address that issue and the \$600 was the amount that was chosen. Staff recommended that the \$600 also be for Robinson's Landing and Ralph's Resort. The Council modified that recommendation and made Ralph's Resort \$300 and Robinson's Landing \$400. They kept everything at School House Slough \$600.

Shanklin stated the 15-footer should not be the same as the 40-footer. That does not make sense.

Mayor Purcell stated a 45-footer should be three times more than the 15-footer.

Shahan stated that staff agreed that the \$600 should have been the minimum. That is the starting point.

Mayor Purcell stated if the Council would like to change this, they need to request that the Lakes and Land Commission look at this issue again.

Shanklin questioned if at this time, they could change the amount of those 15-foot lots to \$350 a year.

Vincent stated no, it is not on the agenda. And those people have already been billed.

Jackson stated this is a commodity that they need to take advantage of. He feels that \$600 is a fair amount and he feels that the 40-footer should be even more. Trailer spaces at School House Slough just increased from \$1,500 to \$1,800 and from \$1,500 to \$2,000 in most cases. He has a hard time having sympathy for those paying \$600 a month, who in turn may sell that piece of property for \$70,000 - \$90,000.

Warren stated he could support a recommendation from Lakes and Lands Commission of \$40 a foot.

The Council agreed.

Shoemate stated the last time they went through this, the reason they scaled it down at Robinson's Landing and



Ralph s Resort is because there are not as many amenities as there are at School House Slough. He does not want to see them paying the same amount.

Warren stated they can look at the amount and figure the minimums at each site.

Shoemate stated they need to also look at trailers.

Shahan questioned if the Council is talking about looking at adjustments at all three sites or just School House Slough.

Mayor Purcell stated they were just talking about School House Slough, but from the discussion they may need to adjust them all using the same criteria.

MOVED by Drewry, SECOND by Hanna, to adopt **Ordinance 08-09**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Drewry, Jackson, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-09

An ordinance pertaining to buildings in lake areas, amending Section 19-5-504, Article 19-5, Chapter 19, Lawton City Code, 2005, by establishing late fees for boathouse payments not received in a timely manner, providing for severability, and declaring an emergency.

26. Consider an ordinance amending Section 19-1-111, Article 19-1, Chapter 19, Lawton City Code, 2005, by establishing the authority for the Lakes Supervisor to issue day use area permits regardless of the time of year the permit is requested and establishing campsite #24 at Lake Lawtonka s East campground as a preferred camping site and adopt a Resolution amending Appendix A Schedule of Fees and Charges establishing preferred campsites, providing for severability and declaring an emergency. Exhibits: Ordinance 2008-\_\_\_\_\_.

Shahan stated this is just a clean up ordinance. Preferred campsite #24 was just not listed in the original ordinance. It has been a preferred campsite for years. The other item is addressing the authority of the lake supervisor to be able to issue day use area permits regardless of the schedule that was in the ordinance. Based on whether conditions they may want to extend the service provided out at the day use area. The original ordinance restricted them from doing this.

MOVED by Shoemate, SECOND by Jackson, to adopt **Resolution 08-10** and **Ordinance 08-10**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Jackson, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-10

An ordinance pertaining to recreation amending Section 19-1-111, Article 19-1, Chapter 19, Lawton City Code, 2005, by allowing lakes supervisor to issue day use area permits at his/her discretion and by establishing campsite number 24 at lake Lawtonka's east campground as a preferred camping site, providing for severability, and declaring an emergency.

27. Consider adopting an ordinance notifying the public of the publication of Supplement No. 3 to the Lawton City Code, 2005, and declaring an emergency. Exhibits: Ordinance 08 -\_\_\_\_\_.

Vincent stated we are required by code to update the code by official publication of a supplement. This brings the code book current through January 1, 2008. The website is current.

MOVED by Warren, SECOND by Jackson, to adopt **Ordinance 08-11**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 08-11

An ordinance approving supplement No. 3 to the Lawton City Code, 2005, directing filing and notification of the publication of supplement No. 3 to the Lawton City Code 2005, and establishing a fee for the sale of supplement No. 3, and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Drewry stated that she would like to remind the person who drives a white SLS, license plate 393-ZXZ, that in a

school zone when the light is blinking, 45 mph is too fast. She stated she has had a few calls from people who are still confused over the trash policy. She requested the paper run this information again. She feels it is our responsibility to handle these calls with good customer service skills. We need to listen and give them feedback as we can.

Jackson stated he received a call from a constituent whose trash can was not picked up and he assured him he would pass this information along. He explained the procedure to him, but he was not happy.

Shanklin stated he has had calls regarding the trash. He stated if it does not get any better they may have to tweak it again. He stated he did get two letters from Neighborhood Services on the same day, written up for the same thing, parking on the grass. He wondered if this job was really necessary if they were going to sit there and watch him.

Hanna questioned if the inspectors ask the resident how long they intend to park the vehicle on the grass. He stated this would solve a lot of problems.

Mayor Purcell stated he signed the voluntary water restriction proclamation today. He stated we are just below the level at Lake Lawtonka and we cannot pump from Ellsworth to Lawtonka because of work on the pump. We are now on voluntary water restriction and the public is being asked to do as much as they can to help by doing things between midnight and noon.

Mayor Purcell announced there will be a special council meeting on Tuesday, February 5<sup>th</sup> at 6:00 p.m. There will be a report made by the team we hired to look at energy conservation.

Mitchell stated that the Assistant City Manager Greg Buckley will be moving to Muskogee. His last day will be February 15<sup>th</sup>. He stated he will be out of the office on February 7<sup>th</sup> & 8<sup>th</sup> to attend a Smart Growth conference in Washington, D. C.

The Mayor and Council convened in executive session at 7:24 p.m. and reconvened in regular, open session at 8:26 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending lawsuit in the District Court of Comanche County, State of Oklahoma, Jason Pena v. City of Lawton, et al., Case No. CJ-07-1176, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item #28.

MOVED by Patton, SECOND by Warren, to retain the John Zelbst Law Firm to represent an officer sued in his individual capacity in the case of Jason Pena v. City of Lawton, et al., and authorize the Mayor and City Clerk to execute the retainer agreement. AYE: Warren, Shoemate, Hanna, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

29. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2008-2009 between the Fire Union IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Vincent read the title of item #29. The Council was briefed and advised that the Fire Union has requested that we begin negotiations for the upcoming fiscal year.

MOVED by Shoemate, SECOND by Hanna, to appoint Jim Scholes as lead negotiator, Tim Wilson and Dwayne Burk as negotiators and John Vincent and Larry Mitchell as alternate negotiators for the City's negotiating team for the fiscal year 2008-2009 contract negotiations with IAFF, Local 1882. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Jackson. NAY: None. MOTION CARRIED.

30. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss interest arbitration for a Collective Bargaining Agreement for FY 2008-2009 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: January 7, 2008, letter from IUPA, Local 24 President, Tommy Harrell.

Vincent read the title of item #30. The Council was briefed on the fact that the Police Union has requested interest arbitration. No action is required.

31. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss

the evaluation review of Michael Corrales, Municipal Judge, and if necessary, take appropriate action in open session. Exhibits: None

Mayor Purcell read the title of item #31. He stated the Council evaluated him and feels he is doing an outstanding job. No action is required.

There being no further business to consider, the meeting adjourned at 8:29 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR  
ATTEST:

TRACI HUSHBECK, CITY CLERK